

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Michael Sargese

Cr.: 06-00121-01
PACTS Number: 43799

Name of Sentencing Judicial Officer: Stanley R. Chesler, USDJ

Date of Original Sentence: 01/07/08

Original Offense: Conspiracy to Distribute Oxycodone

Original Sentence: 5 years probation; \$100 special assessment

Date of Violation of Probation: 04/17/08

Sentence on Violation: 4 months imprisonment, 3 years supervised release. Special conditions drug testing/treatment, collection of DNA (satisfied 06/04/08), mental health treatment (added 12/17/08).

Date of Violation of Supervised Release: 04/22/09

Sentence on Violation: 9 months imprisonment, 27 months supervised release. Special conditions reimposed.

Type of Supervision: Supervised Release Date Supervision Commenced: 01/20/10

PETITIONING THE COURT

- [] To extend the term of supervision for _____ Years, for a total term of _____ Years.
[X] To modify the conditions of supervision as follows. The addition of the following special condition(s):

LOCATION MONITORING PROGRAM (2 months) (Payment waived)

You are to participate in the Location Monitoring Program. You shall be confined to your residence for a period of 2 months commencing at the direction of the U.S. Probation Office. You shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. You shall wear a Location Monitoring device and follow all location monitoring procedures. You shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. You shall comply with any other specific conditions of home confinement as the Court may require. The U.S. Probation Office may use less restrictive location monitoring technology if the U.S. Probation Office determines that a less restrictive device is available and appropriate.

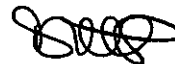
CAUSE

Sargese continues to disregard the conditions of supervision. Specifically, since the commencement of supervision, Sargese has repeatedly failed to report as directed. His failure to report, along with other violations, were addressed via a modification to the conditions of supervision to include community service (approved by Your Honor on January 29, 2011). Despite the modification, Sargese remains uncooperative. Since the approval of that modification, Sargese has failed to report on eleven occasions as follows: January 20, 2011; February 2, 2011; March 1, 2011; March 22, 2011; March 30, 2011; April 4, 2011; April 12, 2011; April 14, 2011; April 19, 2011; June 1, 2011; and June 7, 2011.

Also, while Sargese remains unemployed, he failed to complete the community service within the allotted time frame (30 days). Sargese has not demonstrated any effort at securing employment. In fact, he recently misrepresented having participated in a job interview when, in fact, he did not.

Finally, a urine specimen collected on June 2, 2011, was positive for oxycodone. As a result, Sargese will be placed in drug treatment and will start random drug testing.

Respectfully submitted,

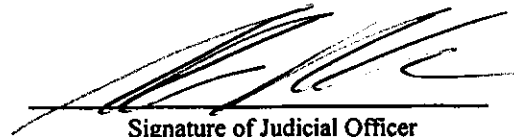


By: Denise Morales
U.S. Probation Officer *KSM*

Date: 06/23/11

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other


Signature of Judicial Officer

6/27/2011
Date

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

LOCATION MONITORING PROGRAM (2 months) (Payment waived)

You are to participate in the Location Monitoring Program. You shall be confined to your residence for a period of 2 months commencing at the direction of the U.S. Probation Office. You shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. You shall wear a Location Monitoring device and follow all location monitoring procedures. You shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. You shall comply with any other specific conditions of home confinement as the Court may require. The U.S. Probation Office may use less restrictive location monitoring technology if the U.S. Probation Office determines that a less restrictive device is available and appropriate.

Witness:



U.S. Probation Officer
Denise Morales

Signed:



Probationer or Supervised Releasee
Michael Sargese

6/17/11

DATE